IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

SECURITIES AND EXCHANGE	§		
COMMISSION,	§		
	§		
Plaintiff,	§		
	§	Case No.:	3:13-cv-1940-M
v.	§		
	§		
DANIEL BERGIN,	§		
	§		
Defendant,	§		
	§		
and	§		
	§		
JACQUELINE ZAUN,	§		
,	§		
Relief Defendant.	§		
	8		

ORDER MODIFYING ASSET FREEZE AND GRANTING OTHER RELIEF

Before the Court is the Joint Motion [Docket Entry # 23] of Plaintiff Securities and Exchange Commission, Defendant Daniel Bergin ("Bergin"), and Relief Defendant Jacqueline Zaun ("Zaun"), to Modify the Asset Freeze Order Freezing Assets ("Freeze Order") [Docket Entry #10], and to deny as moot Defendants' Expedited Motion to Dissolve Asset Freeze or, in the Alternative, Motion to Modify ("Expedited Motion") [Docket Entry # 19] and Defendant Bergin's Motion to Dismiss [Docket Entry # 20]. The Joint Motion is hereby **GRANTED**. Therefore,

IT IS **ORDERED** that the Asset Freeze portion of the Freeze Order is hereby lifted as to Bank of America accounts ending -0393 and -9808 in the name of Jacqueline N. Zaun.

IT IS FURTHER **ORDERED** that within 15 days of the date of this Order, E*trade is directed to begin closing all positions in any securities held in account numbers ending -2599

(IRA Roth account) and -8107 (individual trading account), and -8174 (custodian account UTMA for minor child, D.C.), in the name of Jacqueline N. Zaun. The proceeds are to be divided as follows: (1) \$456,065.30 shall be paid to Zaun; (2) the remainder, after any applicable taxes or fees, is to be deposited in the trust account of Bell Nunnally & Martin, LLP ("Bell Nunnally"), 3232 McKinney Avenue, Suite 1400, Dallas, Texas 75204. Bell Nunnally shall place the funds in an interest-bearing, attorney trust account with a federally-insured financial institution, and those funds shall remain in trust pending a final adjudication of this matter.

IT IS FURTHER **ORDERED** that within 15 days of the date of this Order, the following brokerage accounts in the name of, or for the benefit of, Daniel Bergin shall be liquidated, and all funds therein, minus any applicable taxes and fees paid, shall be deposited in the trust account of Bell Nunnally, 3232 McKinney Avenue, Suite 1400, Dallas, Texas 75204, pending a final adjudication of this matter:

- Fidelity Investments account ending -3668, and -2370, in the name Daniel Bergin;
- Scottrade account ending -0017 (individual trading account) and -5061 (IRA account).

Bell Nunnally shall place the funds in an interest-bearing, attorney trust account with a federally-insured financial institution. All accounts not listed in this Order remain frozen, and all provisions of the Freeze Order, as modified, shall remain in effect until a Final Judgment is entered in this litigation.

IT IS FURTHER **ORDERED** that the Freeze Order, as modified, does not prevent Zaun from providing financial aid to Bergin, provided no financial aid derives from assets traceable to Bergin's trading activity.

IT IS FURTHER **ORDERED** that Defendants' Expedited Motion, having been withdrawn by Defendants', and Defendant Bergin's Motion to Dismiss, having been withdrawn by Defendant Bergin, are **DENIED** as moot.

SO ORDERED.

July 22, 2013.

BARBARA M. G. LYNN

WITED STATES DISTRICT JUDGE

NORTHERN DISTRICT OF TEXAS